

REMARKS

Claims 1-16 are all of the pending claims, with claim 1 being the sole independent claim. By virtue of this Amendment, Applicants cancel claims 17, without prejudice or disclaimer, for being drawn to a non-elected invention.

I. Claim Objection:

The Examiner objects to claim 13 because the term “compressed-gas supply” lacks proper antecedent basis. Applicants appropriately amend claims 13 to address the Examiner’s concerns.

II. Claim Rejection on Prior Art Grounds:

The Examiner rejects claims 1-16 under 35 U.S.C. § 103(a) as being obvious over US 5,259,373 to Gruenke et al. (“Gruenke”) in view of US 6,142,952 to Behbehani et al. (“Behbehani”). Applicants respectfully traverse this rejection in view of the following remarks.

Independent claim 1 recites (among other things) “based on a pattern recognition, analyzing at least one characteristic of the respirator device.” Example, non-limiting embodiments of this feature are discussed throughout the instant specification.

For example, page 9 (6th full paragraph) of the specification indicates that the results of the pattern recognition make it possible to draw conclusions on the respiration-treatment condition of the patient, as well as on the device condition of the respirator. In this way, possible device failures may be counteracted via signaling of a pending defect and/or a reduction in output capacity of the device may be recognized. Also, see the paragraph bridging pages 9-10 of the specification. At least the “analyzing” feature (as recited in independent claim 1), in combination with the other features recited in independent claim 1, is not taught or suggested by the prior art relied upon by the Examiner.

The Examiner relies upon a combination of Gruenke and Behbehani to teach each and every feature of the invention defined by claim 1. Applicants acknowledge that the references relate to measuring and evaluating parameters to control the respirator device in an adaptive manner. However, in both references, the parameters are evaluated and analyzed to draw conclusions on the condition of the patient (e.g., to obtain pressure and flow characteristics of the patient’s airway). Neither reference teaches using a pattern recognition to analyze at least one

characteristic of the respirator device, especially not those characteristics specifically called out in claim 1.

In view of the above, Applicants respectfully submit that independent claim 1 recites features that are practically and conceptually different than Gruenke and Behbehani (taken alone or in combination). Accordingly, the Examiner is respectfully requested to reconsider and withdraw the raised obviousness rejection.

CONCLUSION

In view of the above, Applicants earnestly solicit reconsideration and allowance of all of the pending claims.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a two (2) months extension of time for filing a reply to the Office Action and submit the required \$450.00 extension fee herewith.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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